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PATENT
Customer No. 22,852
Attorney Docket No. 09695.8050-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
NELKEN et al.) Group Art Unit: 2121
Application No.: 09/754,179) Examiner: Meltin Bell
Filed: January 3, 2001) Confirmation No.: Unknown
For: SYSTEM AND METHOD FOR)
ELECTRONIC COMMUNICATION)
MANAGEMENT)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**FILING PURSUANT TO PATENT
INTERFERENCE NO. 105,248 (NELKEN v. HORVITZ)**

Pursuant to the "Summary of Telephone Conference and Related Order"
(hereafter "Order") dated January 13, 2005, a copy of which is attached, the
undersigned is providing the Examiner with the following information. More specifically,
the undersigned was ordered to reproduce for the Examiner the Count in the above
interference, provide a copy of the Order and identify the relevant portion of the Order
for the Examiner.

Count 1 in this interference is reproduced below, and the Examiner's attention is
directed to page 2 of the Order, specifically the paragraphs numbered 1-4. Horvitz
alleges in the above interference that Nelken's claims 1-82 of this application appear to
correspond to the same patentable invention as Count 1 in the interference. With

respect to paragraph 3 of the Order, the undersigned notes that neither he nor his firm is handling prosecution of the cases identified on Horvitz's list of motions. By copy of this paper and the attached Order, the prosecuting attorneys are notified of the obligations of paragraphs 3 and 4 of the Order.

Count 1

The Count is claim 1 of U.S. Patent No. 6,408,277 to Nelken or claim 36 of the Horvitz Application No. 09/364,527. The claims are not identical, so claims 1 and 36 are reproduced below.

1. A system for automatic task prioritization, comprising:
 - a decision engine configured to receive tasks and to determine a priority of each task;
 - at least one task queue configured to store said prioritized tasks in order of priority; and
 - a monitoring module configured to monitor tasks selected from said task queue by at least one agent and to forward said selected tasks and a priority code associated with each selected task as feedback to said decision engine such that said decision engine uses said feedback to update priority criteria, which include rules for prioritizing the tasks.
36. A system for automatic prioritizing of text, comprising:
 - a text classifier trained to receive text and to determine a priority for each received text;
 - at least one storage media configured to store received text in

order of priority; and
an implicit training module configured to continually watch text
selected by a user while working, the selected text having
an assigned priority and comprising new training messages
to the text classifier, such that the text classifier is updated
by training in the background using the new training
messages for enhancing priority decision making.

The Examiner is requested to contact the undersigned or the prosecuting
attorneys of record with any questions regarding the above matters.

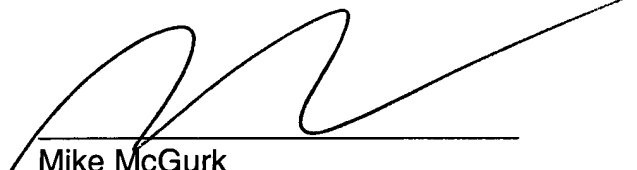
Please charge any required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Date: February 4, 2005

By:


Mike McGurk
Reg. No. 32,045

Enclosure:

Summary of Telephone Conference and Related Order

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR § 1.10

EV 411565755 US
USPS Express Mail Label Number

February 4, 2005
Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Services
"Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is
addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:


Mike McGurk



**THIS DOCUMENT WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Judge Jameson Lee
Mail Stop INTERFERENCE
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450
Tel: 703-308-9797 Fax: 703-305-0942

Paper No. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

YORAM NELKEN
Junior Party
(Patent 6,408,277),

v.

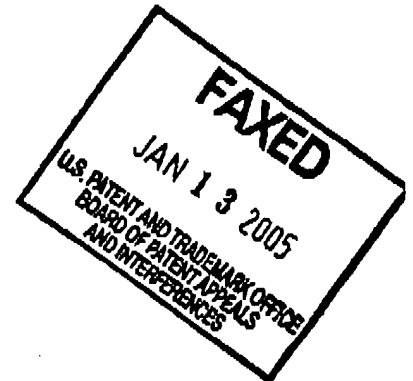
ERIC HORVITZ
Senior Party
(Application 09/364,527).

Patent Interference No. 105,248

Before LEE, Administrative Patent Judge.

**Summary of Telephone Conference
and Related Order**

On January 12, 2005, a telephone conference was held between the administrative patent judge and respective counsel for the parties to discuss the items contained in each party's intended motions list. Requests for filing priority motions were acknowledged but counsel for the parties were told that they will not be considered until an appropriate time in due course since determination of priority has been deferred. The filing of a motion for judgment based on prior art, identified as Item 1 on party Nelkin's list, was authorized and counsel for Nelkin was instructed to limit the attack on each Horvitz claim to one ground under 35 U.S.C. § 102 and one ground under 35 U.S.C. § 103. Nelkin must pick the best prior art to assert against Horvitz and not file a multiplicity of alternative assertions.



Interference No. 105,248
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As for all the items on party Horvitz's list, which should have been numerically numbered to facilitate identification, counsel for Horvitz agreed to withdraw each request if the administrative patent judge would order that party Nelkin would keep the examiner in each identified application up-to-date as to the count in this interference and would invite the examiner to determine, prior to issuance of those applications, whether those cases contain claims drawn to the same patentable invention as the count in this interference and if so to suspend prosecution pending the outcome of this interference. Counsel for both parties indicated that the administrative patent judge had issued a similar order in at least one other interference and that both parties would be satisfied if the same could be done in this case to obviate the motions identified on party Horvitz's list. The administrative patent judge found the proposal acceptable. Therefore, all items identified on party Horvitz's motions list are considered withdrawn insofar as filing of motions by Horvitz are concerned, and it is

ORDERED that in each of the applications identified on Horvitz's list of motions served on January 10, 2005 (Paper No. 32), party Nelkin shall:

1. Inform the examiner of the current count in this interference;
2. Keep the examiner continuously updated as to any change to the count, as well as any additional or substituted counts in this interference;
3. Immediately upon receiving indication of allowable subject matter in the application, invite the examiner to determine whether any allowed claim corresponds to the count in this interference and whether issuance of the application should be suspended pending the outcome of this interference;
4. When communicating with the examiner with regard to Items 1-3 above, enclose a copy of this communication.

January 13, 2005

Interference No. 105,248
Nelken v. Horvitz

By Facsimile:

Counsel for NELKIN:

617-452-1666 (Fax)
Michael R. McGurk, Esq.
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
55 Cambridge Parkway
Cambridge, MA 02142

Counsel for HORVITZ:

703-836-2021 (Fax)
R. Danny Huntington, Esq.
BURNS, DOANE, SWECKER & MATHIS
1737 King Street, Suite 500
Alexandria, Virginia 22314